

No. A-32011/09/2016-Ad.II
Government of India
Ministry of Corporate Affairs

5th Floor, 'A' - Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road, New Delhi
Dated: 12th May, 2017

OFFICE MEMORANDUM

Sub: Batch year of SAG officers of ICLS for Non-Functional Upgradation (NFU).

In accordance with the instructions contained in Department of Personnel & Training OMs dated 25.09.2009 and 01.08.2012 (Annexures-I & II), and records available in this Ministry, the batch years of SAG officers of ICLS, for grant of benefits under NFU scheme, are as under:

S. No.	Name of Officer (S/Shri)	Batch for NFU consideration	Remarks
1.	K.L. Kamboj	1979	As he did not join as DR in JTS of ICLS his batch year has been linked to the joining date of his nearest junior JTS DR officer, namely Shri V.P. Singhal who joined in 1979.
2.	S.K. Agarwal (Retd.)	1981	As he did not join as DR in JTS of ICLS his batch year has been linked to the joining date of his nearest junior JTS DR officer, namely Shri B.N. Harish who joined in 1981.
3.	B.N. Harish (Retd.)	1981	Joined as DR JTS officer in 1981.
4.	Henry Richard (Retd.)	1983	As he did not join as DR in JTS of ICLS his batch year has been linked to the joining date of his nearest junior JTS DR officers, namely Shri B.A.M.P. Rathnasami who joined in 1983.
5.	A.K. Chaturvedi	1985	As they did not join as DR in JTS of ICLS their batch year has been linked to the joining date of their nearest junior JTS DR officers, namely Shri P. Rama Rao who joined in 1985.
6.	Alok Samantarai	1985	
7.	R.C. Meena	1985	
8.	S.B. Gautam	1985	

2. Any objection to the list above may please be communicated to the undersigned within 07 days of issue of this OM.


(Ravi Vazirani)

Under Secretary to the Government of India
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Email: ravi.vazirani@nic.in

To

1. Officers concerned
2. Retired Officers through concerned Regional Directorate.
3. E. Gov. Cell, MCA HQ for placing this in employee's corner [under Non Functional Upgradations].

Copy for information to

Sr. PPS/ PPS to Secy/ AS/ JS (G)

No. AB.14017/64/2008-Estt.(RR)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 25th September, 2009

Office Memorandum

Subject:- Non-Functional upgradation for Officers of Organised Group 'A' Services in PB-3 and PB-4- Clarifications

This Department vide OM dated 24.4.09 issued instructions regarding non-functional upgradation for officers of Organised Group 'A' Services in PB-3 and PB-4 . Subsequently vide OM dated 21.5.09, details regarding the batch of officers belonging to the IAS and who have been posted at the Centre in various grades of PB-3 and PB-4 w.e.f. 1.1.2006 as well as the date of posting of the first officer belonging to the batch were indicated. In this connection, clarifications have been sought from this Department by some Ministries/Departments and by individual representations. The same have been considered by this Department in consultation with Department of Expenditure and following clarifications are issued.

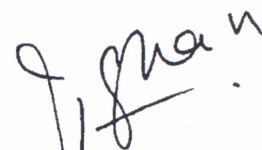
Point of doubt	Clarification
1. This office Memo refers to the term 'Batch'. In Central Civil Services and Indian Engineering Services, the definition of a batch is, the year in which the exam is conducted. In some other services, the recruitment is done through interview only. Where recruitment is done through interview only, the Batch is the year in which the Advertisement is issued by the UPSC or the year of interview for recruitment	Since different services have different criteria for defining 'Batch', the term 'Batch' in the OM refers to the year of joining the service.

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2. In some services, there is induction of Group 'B' officers into the Organized Group 'A' service. Whether these officers will be eligible for the benefits under this OM. If so how the criteria of batch will be decided in their case.</p> | <p>Officers inducted into Group 'A' Organized service will also be eligible for the benefit of Non functional upgradation. They shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed.</p> |
| <p>3. In the OM dated 21.5.09, all officers of Group 'A' Services belonging to 1984 and earlier batches are clubbed together for providing the non functional upgradation to SAG w.e.f. 26.10.2006, the date on which the first officer of 1986 batch of IAS was appointed as JS at the Centre. The cut-off date for granting non-functional upgradation to SAG to batches senior to the 1984 batch should have been 01.01.2006. Similarly in other grades.</p> | <p>The scheme for non-functional upgradation of officers of Organised Group 'A' Services in PB-3 and PB-4 is based on the recommendations of the 6th CPC. These recommendations have been implemented only from 1.1.2006. As such, any upgradation can be only with reference to the officers of IAS posted to the Centre after 1.1.06. Therefore, the request for granting non-functional upgradation w.e.f. 1.1.06 is not permissible.</p> |
| <p>4. Para 7 of the terms and conditions of Annexure-I provides that pay fixation will be done as per the provisions of CCS(RP) Rules, 2008. Whether the officers can exercise option regarding date of fixation in the higher scale as provided in CCS (RP) Rules.</p> | <p>Provisions of CCS(RP) Rules, 2008 will apply.</p> |
| <p>5. Whether retired employees are to be granted the benefit of non-functional upgradation</p> | <p>Para 6 of our instructions provide that benefits would be from due date. Therefore, even retired officers who are otherwise eligible as on due date would need to be considered.</p> |

2. The new HAG scale of Rs. 67,000-79000 has been introduced in replacement of the pre-revised S-30 scale. It is clarified that consequent upon the carving out of the new HAG scale, non-functional upgradation under the scheme will be available to particular Grade Pays in PB-3 and PB-4 and also to the HAG scale. SAG officers can be allowed Non- functional

upgradation to the HAG Grade only where there is such a Grade in the Service

3. Hindi version will follow.



(J.A. Vaidyanathan)

Deputy Secretary to the Government of India

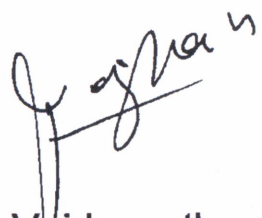
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To

1. All Ministries/Departments of Government of India
2. The President's Secretariat, New Delhi.
3. The Vice-President's Secretariat, New Delhi
4. The Prime Minister's Office, New Delhi.
5. The Cabinet Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Union Public Service Commission, New Delhi.

Copy to :-

- (1) The Rajya Sabha Secretariat, New Delhi.
- (2) The Lok Sabha Secretariat, New Delhi.
- (3) All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
- (4) Establishment Officer and Secretary, ACC (10 copies).
- (5) All Officers and Sections in the Department of Personnel & Training.
- (6) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
- (7) All Staff Members of National Council (JCM)
- (8) All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
- (9) Establishment (RR Division) (100 copies)
- (10) NIC, North Block for posting on the website.



(J.A. Vaidyanathan)

Deputy Secretary to the Government of India

**DEPARTMENT OF PERSONNEL AND TRAINING
ESTT. (RR) DIVISION**

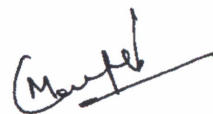
FREQUENTLY ASKED QUESTIONS ON NON-FUNCTIONAL UPGRADATION (NFU)

S.No.	Point of doubt	Clarification
1.	What are the recommendations of 6 th CPC for grant of Non-Functional Upgradation to for Officers of Organized Group 'A' Services?	The Government should, consider batch-wise parity while empanelling and /or posting at Centre between respective batches of IAS and other organized Group A services with the gap being restricted to two years. Whenever any IAS officer of a particular batch is posted in the Centre to a particular grade carrying a specific grade pay in pay bands PB-3 or PB-4, grant of higher pay scale on non-functional basis to the officers belonging to batches of organized Group A services that are senior by two years or more should be given by the Government.
2.	Whether the recommendations of 6 th CPC have been accepted by the Government?	Yes. This will also be applicable to the Indian Police Service and the Indian Forest Service in their respective State Cadres for which the relevant cadre controlling authorities will issue the orders. (Ministry of Finance, Department of Expenditure Notification dated 29 th August, 2008 refers)
3.	When were the guidelines on NFU issued by DOPT?	DOPT have issued detailed instructions on grant of NFU to the officers of Organized Group A Services in OM No. AB 14017/64/2008-Estt.(RR) dated 24 th April, 2009.
4.	To whom the instructions are applicable?	NFU is applicable to the officers of Organized Group A services in PB-3, PB-4 and in HAG scale also where there is such a Grade in the Service

5.	From which date the grant of NFU to officers of Organized group A services is to be made?	The benefit is based on the recommendations of 6 th CPC and will be available w.e.f the date of posting of IAS officers in various grades on/after 01.01. 2006.
6	What are the eligibility conditions to be met for grant of NFU?	The terms and conditions for grant of NFU are prescribed in the Annexure to the OM dated 24.4.2009. As per the same all the eligibility criteria and promotional norms including 'benchmark' for upgradation to a particular grade pay would have to be met at the time of screening for grant of higher pay scale under these orders.
7.	What is the definition of the term 'Batch'?	For the purpose of grant of NFU the 'Batch' for direct recruit officers in the induction grade shall be the year following the year in which competitive exam was held. In subsequent grades the 'Batch' would remain the same provided the officer is not superseded due to any reason. In case an officer is superseded the officer would be considered along with the 'Batch' with which his seniority is fixed.
8.	Where the entry of officers in Organized Group A Service by DR is at STS, JAG level, how the 'Batch' shall be reckoned?	In respect of officers entering Organized Group A service by DR at STS, JAG level, they shall be assigned the benefit of 'Batch' corresponding to the 'Batch' of the officers with whom the seniority is clubbed
9.	Whether the benefit is available to Group B officers inducted into the Organized Group A service?	Yes. Such officers shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed.
10.	Whether the officers can exercise option regarding date of fixation in the higher scale as provided in CCS(RP) Rules?	Provisions of CCS(RP) Rules, 2008 will apply.
11	Whether retired employees are eligible for the benefit of NFU?	Retired officers who are otherwise eligible as on due date shall be considered for the benefit of pay

		upgradation.
12	Whether the scheme is applicable to Scientists, Doctors, etc. who are covered by their own in-situ promotion schemes?	Non-Functional Upgradation and other in situ promotion schemes are separate schemes and it would not be desirable to mix one with the other. The benefit of NFU to Organized Group A Services shall not be applicable to the officers in those Organized Services where FCS and DACP Schemes are already operating and where officers are already separately covered by their own in-situ Career Progression Schemes.
13.	Whether DOPT OM dated 13.4.2010 on communication of ACR prior to 2008-09 is applicable while considering cases for NFU ?	The instructions issued in this Department's OM dated 13.4.2010 on communication of ACRs prior to 2008-09 shall be applicable for considering cases of NFU also.
14.	What is the due date of upgradation if found unfit on the date assigned to a batch?	If an officer is not found eligible during a vacancy year and is found fit in the next vacancy year, NFU may be granted from the 1 st April, i.e. the 1 st day of the next vacancy year.
15.	How to consider cases where the officers do not meet the qualifying service in the vacancy year in which the batch is covered for non-functional up gradation?	If an officer does not meet the eligibility requirement as on the 1 st January of the corresponding vacancy year then such officer is to be considered for grant of NFU in subsequent vacancy year on completion of qualifying service w.e.f. 1 st April, i.e. 1 st day of the next vacancy year.
16	How the NFU shall be given in respect of officers given penalty?	The NFU becoming due after the expiry of the penalty period may be granted w.e.f. the due date as per DOPT instructions. In respect of officers for whom NFU becomes due before the expiry of the penalty period, the same may be granted from the day next to the date on which penalty gets over.
17.	Whether the instructions regarding counting of past Group A service at	In view of the provisions on meeting the prescribed eligibility criteria and

the time of la/teral entry on DR basis to higher grades as per DOPT OM dated 1.9.98 shall be applicable for grant of NFU also?	promotional norms in DOPT OM dated 24.4.09, these instructions shall be applicable for the purpose of grant of NFU also.
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(Mukta Goel)
Director (E.I).